

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

ORDER NO. 80-27

ORDER REQUIRING CHEVRON CHEMICAL COMPANY,  
RICHMOND PLANT, CONTRA COSTA COUNTY, TO  
CEASE AND DESIST FROM DISCHARGING AND  
FURTHER THREATENING TO DISCHARGE WASTES  
IN VIOLATION OF PROHIBITIONS OF THE WATER  
QUALITY CONTROL PLAN FOR THE SAN FRANCISCO  
BAY BASIN

The California Regional Water Quality Control Board, San Francisco Bay  
Region, (hereinafter the Board), finds that:

1. Chevron Chemical Company (hereinafter the discharger) manufactures or formulates a **number** of pesticides, herbicides, fungicides, and fertilizers at its Richmond plant in Contra Costa County.
2. Wastewaters at the plant consist of process wastes and potentially contaminated stormwater. Process wastes are either confined in zero-discharge ponds or are incinerated and the incinerator scrubber water discharged via a cooling water channel to Castro Creek and thence to San Pablo Bay. Stormwaters from the fertilizer and agricultural chemical plants are collected in ponds except during periods of high intensity rainfalls when the stormwater is discharged into a channel tributary to Herman's Slough and San Pablo Bay.
3. In April 1975, the Board adopted the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan).
4. The Basin Plan includes the following prohibitions:

"It shall be prohibited to discharge:

1. Any wastewater which has particular characteristics of concern to beneficial uses:

...

- b. At any point at which the wastewater does not receive a minimum initial dilution of at least 10:1.
- c. Into any nontidal water or dead-end slough or similar confined water areas or their immediate tributaries.

..."

5. On March 21, 1978, the Board adopted Order 78-19 prescribing waste discharge requirements for the discharger.

6. Order 78-19 authorized discharge of stormwater during rainfall events of specified intensity, and authorized discharge of incinerator scrubber water. It did not authorize discharge from the fertilizer or agricultural chemical process waste ponds.
7. On February 20, 21 and 22, 1980, the discharger pumped approximately 3.6 million gallons of wastewater from a pond containing fertilizer process wastes and stormwater runoff from the fertilizer plant grounds into a channel tributary to Herman's Slough. The waste subsequently entered Herman's Slough.
8. The discharge of said waste created a condition of pollution in that acutely toxic conditions were produced in the channel tributary to Herman's Slough on February 21, 22 and 23.
9. This discharge violated the Basin Plan prohibitions listed in Finding 4 of this Order in that:
  - a. 10:1 minimum initial dilution was not achieved.
  - b. Discharge was to a channel tributary to Herman's Slough.
10. The discharger was negligent in the operation of its wastewater pond system by not fully utilizing existing storage capacity, providing emergency storage capacity or otherwise preventing the pond overloading that necessitated discharge.
11. A technical study is needed to evaluate the wastewater system and determine improvements needed to preclude recurrence of the discharge and to assure reliable containment of wastes.
12. Chevron Chemical Company has proposed to provide, by 10 October 1980, improvements adequate to prevent a recurrence of the above discharges next winter, and to complete by 1 October 1981 long-range improvements to the wastewater system.
13. This action is an order to enforce the Water Quality Control Plan for the San Francisco Bay Basin, previously adopted by the Board. This action is therefore categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15121 of the Resources Agency Guidelines.
14. Beginning at 9:30 a.m. on Tuesday, May 20, 1980 at the Assembly Room of the State Office Building, 1111 Jackson Street, Oakland, after due notice to the discharger and all other affected persons the Board conducted a public hearing at which the discharger appeared and evidence was received concerning the discharge.

IT IS HEREBY ORDERED THAT Chevron Chemical Company cease and desist from discharging and threatening to discharge wastes contrary to the prohibitions cited in Finding 4 as follows:

A. Interim Improvements

1. The discharger shall submit to the Board by May 27, 1980 a technical study satisfactory to the Executive Officer identifying the causes of discharge from the fertilizer pond and of overloading the fungicide ponds and identifying and committing to implement measures to improve pond dikes, to remove excess pond wastewaters and to take any other actions needed to assure reliable containment of wastes during the coming wet weather season.
2. The discharger shall file a report by November 1, 1980 documenting completion of interim dike improvements to the evaporation ponds identified by the study.
3. The discharger shall file a report by October 1, 1980, documenting completion of arrangements for the removal from the ponds of the quantity of wastewaters needed to preclude waste discharge during the coming wet weather season.

B. Permanent Improvements

1. The discharger shall submit to the Board by May 27, 1980 a scope of work and time schedule for conducting studies to determine permanent improvements to wastewater system.
2. The discharger shall submit to the Board the results of the studies referred to in B.1 above by October 15, 1980.
3. The discharger shall submit to the Board by April 1, 1981 a plan and implementation schedule for permanent improvements to the wastewater system.
4. The discharger shall file a report by October 1, 1981 documenting completion of permanent improvements identified by the plan referred to in B.3 so as to eliminate threatened violation of Basin Plan Prohibitions.

C. The Board will consider modifying the deadlines for completing interim or permanent improvements if a demonstration can be made by the discharger that a deadline cannot be met due to circumstances beyond their reasonable control.

D. If the Executive Officer finds that the discharger has failed to comply with the provisions of this Order, he is authorized, after approval of the Board Chairman, to request the Attorney General to take appropriate enforcement action against the discharger, including injunction and civil monetary remedies, if appropriate.

E. If the Executive Officer determines that the provisions of this Order are violated and does not refer the matter to the Attorney General, he is instructed to report to the Board the reasons that the discharger has been unable to comply with the provisions of this Order.

I, Fred H. Dierker, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on May 20, 1980.

FRED H. DIERKER  
Executive Officer